

DLD-048

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **22-1716**

RALPH BIRDSONG, Appellant

VS.

SECRETARY PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.

(E.D. Pa. Civ. No. 2-11-cv-04240)

Present: JORDAN, SHWARTZ, and SCIRICA, Circuit Judges

Submitted are:

- (1) Appellant's motion to file an overlong certificate of appealability
- (2) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant's motion to file an overlong application for a certificate of appealability is granted, but his application for a certificate of appealability is denied. We may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Birdsong challenges the District Court's denial of two of his claims. Jurists of reason would not debate the District Court's decision. See Caplin & Drysdale, Chartered v. United States, 491 U.S.

617, 632 (1989); Strickland v. Washington, 466 U.S. 668, 687-96 (1984); Vickers v. Superintendent Graterford SCI, 858 F.3d 841, 857 (3d Cir. 2017).

By the Court,

s/ Kent A. Jordan
Circuit Judge

Dated: December 13, 2022

CJG/cc: Anastassia Baldrige, Esq.
Timothy P. Kane, Esq.
Ronald Eisenberg, Esq.
Matthew Stiegler, Esq.



A True Copy:

A handwritten signature in black ink that reads "Patricia S. Dodsweit".

Patricia S. Dodsweit, Clerk
Certified Order Issued in Lieu of Mandate